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September 13, 2022

BY ECF

The Honorable Katharine H. Parker, U.S.M.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, NY 10007

The parties' proposed redactions are narrowly tailored in order to protect personally sensitive information, and sealing is warranted in light of *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006), and its progeny. By **September 23, 2022**, Respondent shall refile the Kagan Declaration and all supporting exhibits with the redactions as to exhibits 12 and 14.

SO ORDERED:


**HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 9/14/2022**

Cohen v. Group Health Incorporated, Case No. 1:22-mc-00200-PAE-KHP:

Letter Responding to the Order on Sealing (ECF 17)

Dear Judge Parker:

This firm represents Respondent Group Health Incorporated (“GHI” or “Respondent”) in the above-referenced miscellaneous action. With the consent of Mr. Cohen and Plaintiffs’ counsel in the underlying action—*Steven Plavin, et al., v. Group Health Incorporated*, No. 17-CV-01462-RDM (M.D. Pa.)—we write to inform the Court that the parties have met and conferred in accordance with the Court’s August 30, 2022 Order (ECF 17), and have agreed that it is not necessary for the exhibits attached to the Kagan Declaration (ECF 13) (the “First Kagan Decl.”) to be filed under seal.

Plaintiffs’ counsel has requested, however, that Exhibits 4 and 6 to the First Kagan Decl. (ECF 13-4 and 13-6) be filed with certain PII redactions pursuant to SDNY ECF Rules 21.3–21.5 (see attached Exs. A and B), which the parties understand does not require a sealing order. With the Court’s approval, the Respondent proposes to refile the Kagan Declaration (ECF 14) (the “Second Kagan Decl.”) and all supporting exhibits (including the newly redacted exhibits 12 and 14) in their entirety, by a date set by the Court so that all relevant exhibits appear in one docket entry.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Jared I. Kagan
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The Hon. Katharine H. Parker, U.S.M.J.

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September 13, 2022

*Counsel to Respondent Group Health
Incorporated*

cc: Steve M. Cohen (by ECF)
Counsel of Record in the underlying action (by email)

EXHIBIT A

Ex. 4 to First Kagan Decl. (ECF 13-4)

Ex. 12 to Second Kagan Decl. (ECF 14-12)



Steve Cohen <steve.cohen@stevecohenesq.com>

Fwd: GHI lawsuit – follow-up – Out-of-network doctors

berky4@aol.com <berky4@aol.com>

Mon, Jun 5, 2017 at 12:34 PM

To: "steve.cohen@stevecohenesq.com" <steve.cohen@stevecohenesq.com>

Cc: [REDACTED]

I only forward you the e-mail he sent me. I'll copy him on your request
Alan

Sent from Windows Mail

From: steve.cohen@stevecohenesq.com**Sent:** Monday, June 5, 2017 8:24 AM**To:** Alan Mail

Alan,

I need to see the actual EOBs.

Thanks

steve

On Mon, Jun 5, 2017 at 8:21 AM, Alan Mail <berky4@aol.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]**Date:** June 5, 2017 at 7:56:35 AM EDT**To:** Berky4@aol.com**Subject: Re: Fwd: GHI lawsuit – follow-up – Out-of-network doctors**

Maybe not a hospital but I had surgery at a Day operation center participated in Blue cross blue shield , key word participate ,also Medicare part A ,and B ,however when tissue biopsy sent to lab , Medicare paid their 80% to quest lab but GHI (empire now) did not pay ,and months later received a small bill for under \$3 . On back of quest bill are captions to dispute charge ,I filled out my Medicare and GHI info sent it back.

Month latter I went to quest lab for blood test and outstanding bill of \$3 came up.I explained I was appealing as error was made and no payment was required .

Then I get a repeat bill ,sick of fighting I paid the \$3 .

Then a few weeks ago believe it or not quest lad sent me refund of the \$3 dollars as it was paid by GHI !

Granted it was only \$3 dollars but years ago I got billed by a Anesthetist non GHI during operation. Before operation I requested only participating Doctors ,and Had the non participating Doctor added on my GHI by LBA which I thought covered this crap.

Needless to say I had to call My Doctor that settled matter with a small co-pay as GHI sent denied coverage with lawyer type explanation as the LBA rider had requirements

Sent from my iPad

EXHIBIT B

Ex. 6 to First Kagan Decl. (ECF 13-6)

Ex. 14 to Second Kagan Decl. (ECF 14-14)


EmblemHealth®

PO Box 2814, New York, NY 10116-2814



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12/16/2016

WE WELCOME YOUR CALL

If you have any questions that this summary doesn't answer, please call us at **1-800-624-2414**, with your subscriber ID number. For other helpful information, visit us online at **www.emblemhealth.com**, where you can also elect to go paperless.

SUBSCRIBER NAME:
SUBSCRIBER ID NUMBER:
YOUR COVERAGE IS UNDERWRITTEN BY: GHI
SEE ENCLOSED INFORMATION ON APPEALING A CLAIM DECISION

Health Plan Payment Summary

THIS IS NOT A BILL. Your health care provider may bill you directly for any amount that you owe.

Summary of Claims

Amount billed	\$6,200.00	This is the amount your health care provider billed for services.
Amount allowed	\$751.00	The maximum amount we pay under your plan.
NYC catastrophic allowance	\$99.00	
What my plan paid	\$850.00	This is the amount EmblemHealth paid toward the bill.

PLEASE SEE CLAIM DETAILS ON THE FOLLOWING PAGE

Year-to-Date Information

2. For the plan year 2016, the remaining deductible for the patient is \$138.85. The remaining deductible for the family is \$0.00.

Important Message

This statement reflects services and items provided by a non-participating provider. You are responsible for services that are not covered by your benefit plan, such as charges for non-covered days or services and for any applicable copayment, coinsurance and/or deductible. You may also be responsible for paying the difference between what the non-participating provider charged and what we paid toward this claim.

We know you're busy. Here's a quicker, more convenient and secure way to receive your Explanations of Benefits: Go Paperless! Whenever we process a claim for you, we will send you an email letting you know you can view it in your secure personal page of emblemhealth.com. Just register at emblemhealth.com and choose "Go Paperless".